

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 13-20772

Plaintiff,

HON. GERSHWIN DRAIN

RASMIEH ODEH

Defendant.

RASMIEH ODEH'S SENTENCING MEMORANDUM

I. PRELIMINARY STATEMENT

Rasmea Odeh, a 67 year old Palestinian-American woman who has lived a peaceable and productive life in America for 20 years, stands convicted of giving false answers on her citizenship application ten years ago; she was also implicated in giving roughly the same answers on an immigration visa application ten years before that. As the Court heard, she first came to the U.S. in 1994, at the behest of her brother, to care for their ailing father. Years later, when both had died, she found a vocation in community service, in Chicago, and she has spent the last ten years working with the Arab-American Action Network there, rising from an unpaid volunteer to associate director. The Court has heard evidence about her outstanding work in this role, and more is contained within.

The Court has also heard evidence, of course, that the false answers defendant was convicted of putting on the naturalization form ten years ago

primarily concerned the fact that she had previously been arrested, charged, convicted and imprisoned in Israel, thirty-five years prior, for alleged involvement in two bombings in Tel Aviv, in 1969, carried out as part of the Palestinian resistance to Israel's occupation of the West Bank in the wake of the 1967 so-called six-day war. The defendant asserted that she had been taken in a round-up of hundreds of people, after the bombings, and had been brutally tortured in the "Moscow Villa" interrogation center for twenty-one days, until she gave a confession, which—with those of several co-defendants also obtained by torture—was used to convict all of them in a military court, and she received a life sentence.

The Court learned further that her sentence was commuted by Israel, after ten years, and she was released, in a prisoner exchange. She landed up first in Beirut, where she had lived for a time as a student just after the 1967 war, then finally in Jordan, in or about 1982, where she lived and worked, and continued her education, until her brother sent for her in 1994.

Before the trial, the defendant told the Court she had learned that she suffered from Post-Traumatic Stress Disorder (PTSD), and had come to understand that this lay behind her belief, at the time of the application, that the questions referred only to her years in the United States—that is, she had a mental block against forming answers to the application which derived from or referred to her experience of torture and terror and breaking down. The Court found itself constrained—despite finding the defendant's testimony "credible" as to the torture—to rule that such a 'diminished capacity' defense was barred by the nature of the offense charged. This of course is the defendant's substantial issue on appeal, where in her view the statute specifies a culpable intention which—due to a

psychological affliction visited upon her by way of unlawful war and occupation, and torture—she was blocked from being able to form.

Without this defense—and with her own everyday mental protections against horrid memories shouldered aside, needless to say, by the immediacies of case and trial—she struggled during her testimony to remember the naturalization interview with Ms. Robinson, the agent who processed her naturalization application in 2004. She said didn't remember any extra prompting by the immigration interviewer about "anywhere in the world", on the questions about arrest, etc., and didn't believe it had happened. Nothing else on the form or in the interview had caused her to think about her imprisonment in Israel, and the torture, during the interview; at that time her personal PTSD defenses apparently held firm.

In the trial, of course, Ms. Odeh's defense mechanisms were totally overcome, and sidelined, as they had been generally since the indictment was announced; and she was living with the nightmares 'up close and personal'. As the Court will well remember, she became fixated on showing that the arrest involved in the answered questions in her naturalization process had been illegal, and the charge and conviction and imprisonment had been brought about by torture. It was as if she went from blocking out the memory to being unable to think of anything else.

As the Court experienced directly, her desire to tell the whole story of what she experienced was triggered to the point where she could not accept being silenced; as a result she clashed with the prosecutor during cross-examination, and also with the Court. This should not be held against her now. From her perspective the whole point—and the reason she elected to refuse a highly

favorable plea agreement, was to declare the truth about what had been done to her by the Israeli military. As the Court will recall, her attempts to do so, while somewhat disruptive (and certainly not helpful to her cause) cannot seriously be said to have obstructed the proceedings in any material way.

Prosecution's Position

The Government, for its part, insists that the defendant be branded a terrorist, and sentenced accordingly, based on a conviction for bombings obtained in an illegitimate military trial, conducted by war criminals, 45 years ago. Their position is that only the bombing matters: Not the illegal 1967 massacres and occupation—let alone the military ethnic cleansing of 750,000 Palestinians from the land and their homes when Palestine was partitioned in 1948—not the midnight sweeps and kidnaping by the invading Army after the 1967 war, not the torture, not the kangaroo court and false confessions, not the prison time.

Equally, they would disregard the commutation of the defendant's sentence by Israel, the perfectly lawful, constructive life the defendant has led since her release, her devotion to her family and her father and to his care when he was ill, and above all, the amazingly imaginative, effective, selfless community organizing she has been engaged in for the last ten years with AAAN.

Indeed, there is every reason to believe that an investigation into the work of U.S. activists supporting Justice for Palestine was the real target of the Government in this case, which included a CONTELPRO-type operation by the FBI in 2010, involving raids of people's homes and a grand jury witch hunt, which went nowhere - without even one single indictment - except to turn up Ms. Odeh's

name, and trigger efforts by the government to obtain decades-old documents from Israel.

Now, with the bodies of hundreds of innocents slaughtered in Gaza in August fresh in the minds of all who bother to care about humanity, the prosecution here demands a wholly unjustified, draconian sentence, for illegitimate political purposes, against this woman who has suffered so much, and given so much. The real motivation behind the prosecution's interest, in seeking a prison sentence well beyond what is reasonably appropriate under the sentencing factors, is not to deter others who may lie to obtain admission to the United States, but to raise the specter of Palestinian terrorism---using this 45 year old case---as a cover for and distraction from our own Government's billions of dollars of military and other material support for Israel's remorseless tyrannies against Palestine and Palestinians.

Surely the Court can see that, viewed objectively, the heated demand that defendant be treated as a "Terrorist" and punished harshly, arising as it does from mists of highly contentious history regarding the Occupation, and the Resistance, and the legalities and lack thereof in both, must pale to insignificance in comparison to the defendant's stellar, unimpeachable history of positive, constructive conduct in the 35 years since she was released, and especially the commendable record of her work in the Chicago immigrant community during the last ten years.

The Undersigned respectfully suggests to the Court that a fair and reasonable assessment of the offense, the defendant's character and role in life, her prospective loss of citizenship and ultimate banishment from her beloved

community and adopted country, over against the particulars of the case by itself, *free of politics on either side*, compels the conclusion that the offense was not venal, at all, and really—in light of the defendant’s exemplary life since—not consequential in any way that requires the sanction of (further) imprisonment; all as follows:

II. ARGUMENT: UNDER THE STATUTORY SENTENCING FACTORS MS. ODEH SHOULD NOT BE SENTENCED TO FURTHER IMPRISONMENT

Under 18 U.S.C. Sec. 3553 (a), the Court is required to “impose a sentence sufficient, but not greater than necessary to comply with” the enumerated purposes set forth in this statute. Further, in applying the statutory factors, the sentencing judge “must make an individualized assessment based on the facts presented” by the specific case, without giving presumptive weight to the Sentencing Guidelines. See *United States v. Gall*, 522 U.S. 38 (2007).

A. Sentencing Guidelines

The pre-sentence report prepared by Lee A. Sharp, calculated the defendant’s sentencing guidelines to be a total offense level of 12 and a criminal history of category One, which placed her in the Zone C range of the Sentencing Table¹, with a sentencing range of 10-18 months. Before Ms. Odeh opted to exercise her constitutional right to a trial, the government had offered her a plea

¹ Zone C allows for a mixed sentence of imprisonment and probation.

agreement which calculated her guideline range, with the inclusion of acceptance of responsibility, to be between 0-6 months. The agreement also stated that the government would allow Ms. Odeh 90 days to depart voluntarily, rather than be held in immigration custody awaiting deportation. (See Doc. # 144, Ex. 2)

The government now also seeks a two point enhancement under Sec 3 C 1.1, based on the assertion that Ms. Odeh willfully lied in her trial testimony. The defense objects, on grounds that such an enhancement would constitute illicit further punishment for her decision to go trial and testify in her own defense, and that, in any case, her testimony did not constitute an obstruction of justice. Section 3C 1.1 cmt. n.1, dictates that the evaluation of whether a defendant's testimony was willfully false must be considered in the light most favorable to the defendant.

Ms. Odeh was convicted of making false "no" answers on her naturalization application to questions of whether she had ever been arrested, charged, convicted or imprisoned. She testified that, since she had been living in the U.S. for nine years prior to her application, and she believed the questions referred to her time in the United States. The jury as we know rejected this explanation. They may well have been influenced by² evidence that Ms. Odeh had answered similar questions in the same way on her visa application nine years earlier, in effect, disguising her

² While the government had an opportunity to speak to the jury after the verdict, the jury declined to speak to defense counsel.

conviction and imprisonment in Israel in 1969. Her explanation as to the earlier application was that her brother, who had lived in the United States for many years and was fluent in English, which she was not, had given her a sample completed application that she copied and submitted.³ So, while the jury disbelieved Ms. Odeh's testimony about the answers and interview in 2004, taking her actions in the light most favorable to her, there is no reasonable basis for giving her a two point sentencing enhancement for obstruction of justice.

Much more to the point, in any case, the prosecution argued in a letter to the pre-sentence officer that the defendant should be treated as a "terrorist", based on the 1969 bombing conviction, illegal as it was, to rationalize a substantial upward departure from her guidelines and an extraordinary variance from the factors enumerated in Sec. 3553. Relying on this 45 year-old conviction by an Israeli military court enforcing a brutal and illegal occupation is not a legitimate basis to impose an upward departure from Ms. Odeh's guideline score. This is underscored by the fact that Ms. Odeh has consistently maintained her innocence of these

³ While it was shown that the answers on the visa application were false. That is not sufficient evidence to establish that Ms. Odeh intentionally lied in her testimony at trial about the circumstances under which her visa application was created. It was not proven that the answers on the visa application was the result independent acts by Ms. Odeh or came from her brother in the sample application he provided to his sister. To what extent, Ms. Odeh's late brother, spurred by the urgency of getting his sister to the United States in order to care for their ailing father, provided false answers to be copied, is unknowable two decades later. Indeed, if Ms. Odeh knew that her visa application and permanent resident status was obtained illegally, it would have been unlikely she would have submitted to further inquiry ten years later by applying for naturalization.

accusations, that she was tortured to confess, denied access to a lawyer for 45 days, was tried before Israeli soldiers, and that the prosecution's claims are based on unreliable and illegitimate military court documents. Further, Ms. Odeh served 10 years in prison, and then she was amnestied and her sentence was commuted.

Throughout the United States, in 2012, almost 98% of all sentences under Guideline 2L2.2, which applies to this offense, are either within the guideline range or below. Seventeen percent were sentenced below the guidelines. See Sentencing Commission, Interactive Sourcebook of Federal Sentencing Statistics, Table 50-6 (Option 4, Six Categories. (2012) <http://isb.ussc.gov> (See attached Exhibit #A, Sentencing Table)

B. Factors to Be Considered in Imposing a Sentence.

Under Sub-section (a) of Section 3553, the factors to be considered in imposing a sentence are, first, "the nature and circumstances of the offense and the history and characteristics of the defendant," and "(2) the need for the sentenced imposed" to reflect the seriousness of the offense and deter others from the same conduct.

Nature and Circumstances of the Offense

There is no evidence, or even any claim, that Ms. Odeh's effort to obtain her naturalization, or her visa and her permanent residence status, was for the purpose

of committing criminal acts in the United States; nor was she involved in the trafficking of naturalization documents. Ms. Odeh, who was living comfortably in Jordan with a good job at the time, initially came to the United States at the urging of her father and brother, in order to take care of her ailing father who was suffering from cancer. As will be explained further below, for the almost 20 years Ms. Odeh has lived in the United States, she has been free of any criminal activity whatsoever. Her life in America has consisted solely of helping her family, initially, and later serving her community.

History and Characteristics of the Defendant

a. Ms. Odeh's History

Rasmieh Odeh's life mirrors the suffering and dispossession of the Palestinian people. She was born in Lifta, Palestine in 1947. The following year Palestine was arbitrarily partitioned by a United Nations vote, and despite the admonitions that no one should be forced from their land, 750,000 Palestinians were intentionally driven from their homes, almost immediately, in an act of "ethnic cleansing" under the guise of an Israeli "war of independence", which the Palestinians refer to as the "Nakba" (the catastrophe).⁴

⁴ See I. Pappe, "The Ethnic Cleansing of Palestine, One World, Oxford (2006)

Ms. Odeh described the flight of her family in her testimony at trial:

When they invaded Palestine, my family tried to find a safe space for the family after they heard the masquers, (sic) (massacres) and rapes that happened in the other Palestine villages and the cities.

So they try to walk far from the area to come back after days when the invasion finished, but for the bad luck they didn't go back.

And the found themselves in tents. We are a family, extend (sic) living together. My family found, have (sic) self living 19 people in one small tent

After we lost everything, we lost our houses, our land, our expensive things, gold, anything, anything because when they left just for day, they didn't carry anything with them, and they didn't go back there.

(Tr. Odeh testimony pp. 12-13).

The loss of all their land and possessions forced Ms. Odeh's father to leave Palestine to come to the United States to find work to support his destitute family. Following, the "Nakba" the Odeh family slowly rebuilt their life living in the West Bank of the Jordan River which was benignly administered by Jordan. After Ms. Odeh's father was injured in a factory in Detroit he could no longer work and returned to the West Bank, where the Odeh extended family was able after 5 years to leave a makeshift tent and move to a small two-room house.

In 1967, war and disaster struck again. The Israeli army invaded and occupied the entire West Bank, including the town where the Odehs were living. The soldiers were particularly brutal killing hundreds of civilians and destroying

thousands of homes. Recently disclosed censored interviews with Israeli soldiers involved in the 1967 war revealed that the invaders were told "Just kill! Kill everyone you see."⁵

Ms. Odeh also testified about 1967 Israeli invasion and occupation at the trial:

[T]hey invade the West Bank, the whole West Bank and they used tanks and airplanes, and they hit everybody. . . . the tanks hit section of our house at that time so my father asked us to Jericho. If we have to die, to die together; And we walk over 40, 48 hours through the hills and through the field . . . through the deaths, we saw the whole dead bodies burned with napalm.
(Tr. Odeh testimony pp.14-15)

In 1968, a 21 year-old Ms. Odeh survived the war and occupation and was able to leave the West Bank, now filled with armed Israeli soldiers, to study at the University in Beirut, Lebanon. When she returned home for the summer, the Israelis refused to allow her to return to Beirut to continue her education. She stayed with her family and helped to take care of her father.

Between 1967 and 1970, hundreds of acts of resistance were carried out by Palestinians seeking to drive the Israeli occupiers from their land. In February of

⁵ See New York Times Article, "Disillusioned by War, Israeli Soldiers Muted in 1967 Are Given Fuller Voice" 1/26/75 (Attached Ex. B)

1969, Ms. Odeh was one of approximately 500 people rounded up in response to these acts of resistance, which included the bombings of a supermarket and the British consulate. As Ms. Odeh related in great detail to Dr. Mary Fabri, an expert on torture and the treatment of torture survivors, (which was set out in the affidavit filed with the court, See Doc. #45, pp3-19, 7/18/14) she was horrifically tortured from the moment of her arrest and for the following 21 days. She was subjected to electro-shock, which was observed by one of her co-defendants, who was called by the prosecutor before the grand jury that indicted her.⁶ She also endured rape by baton, and the torture of her father and numerous other unending acts of violence and brutality.

As a result of this unspeakable torture - her testimony about which this Court found "credible"⁷ - she ultimately confessed to involvement in the bombings of the supermarket and consulate.

⁶ See grand jury testimony of Samya Qasem:

"I saw her tortured. She was tortured in a room the size of this with electrical wires all around her. The first thing they did when they brought me in was show me Rasmieh, the first thing"
Bates # 000001617

⁷ In its Limine Order of 10/27/14, this Court stated:

The Court of course agrees that the use of torture and rape are antithetical to the concepts of fairness, due process and basic human rights. Moreover, the Court accepts as credible Defendant's claims of torture and is not unaffected by the inhumane circumstances of her detention in the West Bank. (Doc #117 at 7)

As previously noted, the Court finds Defendant's claims of torture to be credible and does not intend with the instant decision to suggest callous disregard for the inhumane and deplorable

Beginning at her military trial, Ms. Odeh has consistently maintained her innocence of these charges. She has asserted to this Court and still maintains that the entire Israeli military occupation legal system was and still is illegal under international law, as is the occupation itself. (See affidavit of Lisa Hijjar, Attached as Exhibit #D, Previously filed, Doc. # 56-1, 7/29/14) Further, she has asserted that the *Shin Bet* Israeli interrogators systematically tortured Palestinian detainees believed to be involved in resistance activities, and that the entire Israeli military occupation legal system violated U.S. principles of Due Process and fundamental fairness.

While this Court allowed the 45 year-old Israeli military court documents into evidence, pursuant to MLAT treaty with Israel, and prohibited the defense from challenging her conviction and the military court system as not relevant to the charges, the government now relies on these false charges and documents from this illegal system to brand the defendant a “terrorist”⁸ and seek a sentence well outside her guideline factors and purposes of Sec. 3553. In a letter to the pre-sentence

physical and emotional abuse that Defendant may have endured during her detention. (Doc #117 at 18).

⁸ Despite the highly prejudicial nature of the use of “terrorist”, the government persists on so branding Ms. Odeh. It is well accepted however, that “one man’s terrorist is another man’s freedom fighter.” The prosecution ignores the fact that the State of Israel was founded on the terrorism of the Stern Gang and the *Irgun*, whose leader and later Prime Minister, Menachim Begun, was responsible for the bombing of the King David hotel in Jerusalem in which 91 people were killed. Even after it was a recognized state, Israeli leaders have resorted to repeated acts of terror against innocent civilians. The 1978 massacres at the Palestinian refugee camps in Lebanon of Sabra and Shitilla, in which thousands of civilians were slaughtered, under the watchful eye of Ariel Sharon, who was later elected Prime Minister, is just one of many examples. To say nothing of the repeated targeting and killing of hundreds of civilians in Gaza.

officer, the government compared her to someone involved in the Rwanda genocide who received a 10 years sentence for the same offense. The government's outrageous overreaching ignores the fact that---in addition to 35 years of peaceful, productive existence since her release--- Ms. Odeh served 10 years in an Israeli prison and was released with an order of clemency by the Israeli authorities in a prison exchange. Further, she has returned to the West Bank on numerous occasions since 1996 without raising any concerns by the Israeli government. Apparently, the prosecution here seeks to punish her for her purported 45 year-old acts of resistance, from which even the government of Israel has moved on.

Released from prison in 1979 at the age of 32, Ms. Odeh began to slowly rebuild her shattered life. She lived in Lebanon from 1970 -1983 assisting displaced Palestinians living in refugee camps to obtain U.N. humanitarian aid. She continued this work in Amman Jordan with Palestinian refugees from 1983-1995, as well as working selling newspaper advertisements and returning to the *Ali Ahliyya* University to continue her education.

She came to the United States in 1995 to help take care of her father who was suffering from cancer. During this period she also completed her undergraduate studies through the Al Quds University in the West Bank and obtained a bachelor's degree in law in 2002.

b. Characteristics of Defendant: Ms. Odeh's Present Work and Contributions to Her Community.

As attested to in the numerous letters attached to this submission, Ms. Odeh has been responsible for ground-breaking work with immigrant woman as part of the Arab American Action Network (AAAN), and she is deeply admired by a broad cross-section of the people who she has worked with and worked for.

With this memorandum, Ms. Odeh submits over 70 letters from religious leaders, university professors, human rights attorneys, community activists and people who have worked with her, attesting to her extraordinary and original work with Arab immigrant women. (See generally, Ex. C-1-71) While Ms. Odeh is confident that this Court will review all the submitted letters, counsel wishes to quote from a few of them.

Marquette Professor Louise Cainkar, who was first introduced to Ms. Odeh in the mid 1980's in Jordan, states:

Rasmea Odeh is a hard working, passionate woman whose life goals include improving U.S. society to be more just, and improving conditions of women and youth who live within. I can tell you from all my research that the discrimination that Arab women and children [and men] endure make for a life that is not easy. For low-income families, the racism they face from others is compounded by a lack of economic means. These are the people that Rasmea, is building, strengthening for their own benefit and for the benefit of our society at large. In light of her personal history and these facts of life in the Arab American community, I think Rasmea's sentence should be community service.

Rasmea is a noble leader and someone I admire very much. I often wish I had many of her talents. (Ex. C-7)

Writing on Behalf of the *Arab Jewish Partnership for Peace and Justice in the Middle East*, attorney Lisa Kosowski, who has known Ms. Odeh for 11 years writes:

Rasmea is a warm, kind and emphatic person. She lives very modestly and devotes her time and energy to helping immigrant women in the Chicago Arab community face the challenges of adopting to a new country and culture. Before Rasmea created the Arab Women's Committee, there were no social service agencies that could address the needs of this population due to language and cultural barriers. Rasmea bridged that gap so women could have access to services such as counseling and legal assistance in cases of divorce and domestic violence. Rasmea is the backbone of a community that loves her as much as she loves them. (Ex. C-10)

Nadia Tonova, the Director of the National Network for Arab American Communities (NNAAC) based in Dearborn Michigan, writes:

Over the course of the past eight years doing empowerment work and capacity building with Arab-American organizations across this country, I have been inspired by the work of Rasmea, specifically with her effective programming for women victims of domestic violence and immigrant women who find themselves alienated and marginalized in a new country. Rasmea has made such a tremendous impact on thousands of U.S. women and as an elder in the community has inspired many young women to follow in her path. We have looked at some of her programming as models for other organizations.

Rasmea has never been less than an inspirational, motivational, positive-thinking award winning leader of Chicago's immigrant community. (Ex. C-2)

Rev. Dr. Donald E. Wagner writes:

Rasmea is a woman of deep compassion and sacrificial service among predominantly poor refugee women on the southwest side of Chicago. I first met her approximately ten years ago when I brought one of my university classes to meet Rasmea and other staff at the Arab American Action Network. My class was studying peace and conflict transformation and AAAN has been a model of peacebuilding in Chicago for several decades. My students were touched by Rasmea's work with women and heard similar stories from other staff. Since that initial meeting I have met Rasmea on several occasions and can testify that her reputation is legendary. I join Rasmea's community in asking you to allow her to continue this vocation of healing that she does so well. (Exhibit C-8)

Bishop Thomas J. Gumbleton of Detroit writes requesting leniency for

Rasmea:

Rasmea is an award winning leader of Chicago's immigrant community. She has dedicated most of her life with serving refugees. In Chicago, she built the Arab Women's Committee that now has over 600 members. Because of her work immigrant and refugee women from Iraq, Palestine, Yemen, and beyond now have a place to seek support, find community and become productive members of our society. As a survivor of torture, engagement for the betterment of her community in Chicago is critical to her emotional health, the isolation she endured while incarcerated was a great hardship and may have rigged Post Traumatic Stress Disorder (PTSD).

As a 67-year old woman, her health suffered under the damp and uncomfortable conditions in the St. Clair County Jail, which also lacked medical services and accommodations for senior citizens.

I am asking for compassion in her sentencing. Rasmea has much to offer her community. Since there is a possibility of her conviction being overturned

on appeal, keeping her out of prison would allow her to continue as a contributing and productive person, doing the work that is so critical to hundreds of refugee women. (Ex. C-3)

From her family, her three nephews write the following:

Rasmea is more than just a beloved aunt; we feel as if she is our mother. She has always stood beside us, especially during difficult times in Jordan, Palestine and the U.S., when our mother, her sister, was diagnosed with breast cancer, blood clots, diabetes, high blood pressure, and much more. At the same time our father passed away suddenly after the doctors discovered that he had advanced stage leukemia. Since then, Aunt Rasmea has played the role of mother and father in our lives. She is our main supporter, the person who protects us from negative influences, and the one who takes care of all our needs. She has always done everything in her power to help us become successful young adults. (Ex. C-67)

Letters from the Woman of the Arab Women's Committee

The following excerpts from three letters from women who were part of the Arab Women's created by Rasmea captures the importance and significance of her work. Mariam Obaid writes,

I never went to school in my life. I don't know how to read and write, even in my native language Arabic. I used by fingerprint as a signature for years. I never left the house alone. I was dependent on my father, and then after marriage my husband. They both always spoke on my behalf. I arrived here with my husband 25 years ago, spending the first 20 years in California, where all I did was cook and clean, rarely leaving the house. I lived in panic and fear all the time. I never even opened the door when the bell rang.

Five years ago we moved to Illinois, and I met Rasmea three years ago. She encouraged me to participate in the Arab American Action Network (AAAN) English as a Second Language classes and other activities of the AWC. Rasmea provides us a safe place where we can discuss the difficulties, contradictions and challenges we face in this country. I was encouraged to express my feelings and thoughts, and to learn how to reduce the cultural gap between mothers and their American-born children. . . .

Rasmea changed my life and the lives of hundreds of other women in the committee. She pulled me from the darkness to the light, bringing meaning to my life. She has a great sincerity and loyalty to her community and beyond. She is always prepared to help anyone who needs it. (Ex. C-68)

Maysoon Gharbieh writes,

Rasmea provided a safe environment and family atmosphere that is based on mutual understanding and respect, helped me and others to protect our children from the risk of joining gangs or other dangerous activities and helped us to better communicate with our children. She structured AWC to provide leadership development for us, as well as promoting self-reliance and self-esteem. She helped us understand how to work with our children to help reduce the cultural gap between immigrant parents on one hand and the American-born children on the other. All of this is training for us to become active and productive citizens of our new country.

Rasmea is a valuable and lovely icon for us and for the entire community. She works without reward or personal profit. All she cares about is supporting and protecting us and our families. Her ultimate goal is to help develop families that are educated, active, and effective in contributing to keeping the community and the country safe for all who live here. (Ex. C-69)

Halima Al-Rasdeh writes,

I am now over 40 years old and a single mother to 5 children after my husband passed away from a heart attack. When I first came to the U.S. over 20 years ago with my husband, I felt miserable and lonely; I didn't have family or friends. Everything around me was strange; the city, the people, the culture and the language. I couldn't do anything for myself. Even when my first child was born, I couldn't take him to the doctor until my husband got home.

When I met Rasmae, everything in my life changed. She offered her support to help other women and identify our needs. She provided support and assistance to help break our isolation, and to become independent, active members in the community and to society as a whole. . . .

With Rasmae, I have been given "wings" to make myself be heard. I gained strength as a result, became a new person who cared so much for health issues, like breast cancer, heart disease and emotional issues as well. In addition, I learned about the community and city, and how we have an important voice of change in society. (Ex. C-70)

In addition to her full-time work in the community, Rasmae also found the time, taking classes at night, to obtain a master's degree in 2012 in criminal justice at Governor State University, in Illinois. As Professor Cainkar writes, "I clearly recall watching her writing papers late in the evening, after her long day's work was done."

c. The need for the sentence imposed.

1. Seriousness of the Offense.

Considering her age⁹, and physical and mental health¹⁰, her exemplary history in the United States, her service to her community, the loss of her citizenship, and prospective deportation, there is no reasonable justification for sending Ms. Odeh to federal prison. If she loses her citizenship and is banished from her home, and the community in which she is so well-loved and admired, the defendant will already have lost so much, that further punishment would be altogether unwarranted and unproductive.

Ms. Odeh's Post-Traumatic Stress Disorder

As set out in the attached addendum to her original affidavit, Dr. Fabri, has interviewed Ms. Odeh after she was released on bail, following her five week imprisonment in the St. Clair County Jail, and opines that this incarceration

⁹ Sec 5H1.1 Age (Policy Statement) states:

Age (including youth) may be relevant in determining whether a departure is warranted. If considerations based on age, individually or in combination with other offender characteristics, are present in an unusual degree and distinguish the case from the typical cases covered by the guidelines. Age may be reason to depart downward in a case in which the defendant is elderly and infirm and where a form of punishment such as home confinement might be equally efficient and less costly than incarceration

¹⁰ See 5H1.3 Mental and Emotional Conditions (Policy Statement) states:

Mental and emotional conditions may be relevant in determining whether a departure is warranted, if such conditions, individually with other offender characteristics, are present to an unusual degree and distinguish the case from typical cases covered by the guidelines.

exacerbated her PTSD condition and that further incarceration would have a further deleterious effect on her health and well-being.

Dr. Fabri states:

Ms. Odeh continues to suffer from PTSD symptoms related to a history of trauma that includes forced displacement of family as a child, exposure to conditions of war and violence, arrest, interrogation, torture, and imprisonment in 1969 in Israel.

The recent arrest, trial, conviction, and imprisonment related to charges of providing false information on her naturalization application has resulted in a reactivation of PTSD symptoms. As previously stated, this is consistent with the findings of longitudinal studies in the regarding trajectories of PTSD and reactivation of symptoms over the lifetime. (Monica, Caridad&Massagli, 2007; Solomon & Mikulincer, 2006; Marshall, Schell, et al, 2005; Eisenman, Gelberg, et al, 2003; Silove, Steel, et al, 2002).

PTSD is an enduring condition that has profound implications for emotional and physical health. Reactivation of symptoms result in severe stress reactions in the body and has been demonstrated in multiple studies that PTSD contributes to a higher prevalence of mental illness, hypertension, heart disease, and diabetes. [Ahmadi, Hajsageghi, et al, 2011; McFarlane, 2010; Kinzie, Riley, et al, 2008].

It is this evaluator's opinion, to a reasonable psychological certainty, that someone with chronic PTSD has a higher risk to develop serious health conditions that impact psychological and physical health as they age. Ms. Odeh falls in this category as a 67 year-old woman [DOB: 05/22/1947] with a history of multiple traumas and a diagnosis of chronic PTSD.

(See Ex. # D); See also letter from Ms. Odeh's primary care physician, Dr.

Namratha R. Kandula, who also determined that it was "evident that Ms. Odeh has

posttraumatic stress disorder” which was “negatively affected” her emotional and physical health by this case. (Ex. # F)

Similarly, Professor of Psychiatry, Jess Ghannam, who has worked with torture survivors from all over the world including the Middle East writes:

It is well known within the community that Rasmieh has severe and significant posttraumatic stress disorder. This disorder, she has had even since she was in her 20's, has been a life-long chronic illness, which she has endured and suffered throughout the bulk of her adult life.

The Court proceedings as well as her recent time in jail have exacerbated her posttraumatic stress disorder, causing her to re-experience these symptom including ongoing nightmares, severe anxiety, depression and decline in her psychological and behavioral health. (Ex. C-26)

2. Deterrence

The government argues that a substantial prison sentence, even the 10 year maximum, is required as a deterrent to other “terrorists,” who might consider lying to obtain naturalization. But this thinking is flawed on many levels. Ms. Odeh is not a terrorist. Even if she had been involved in the bombings she was accused of--- where she has consistently denied any participation--- resisting a brutal and illegal military occupation is a far cry from the actions of those who were involved in genocide, mass murder and other atrocities by State sanctioned agents. Further, she was severely punished for her purported resistance, first horrifically tortured and then imprisoned for 10 years in an Israeli prison.

What happened 45 years ago is apparently not a continuing issue with the Israeli government. After the Oslo Accords and the creation of the Palestinian Authority, Ms. Odeh was allowed to return to the West Bank, and has visited there almost every year since 1996, without any problems. It is the Assistant U.S. Attorney, and his partners from Homeland Security, who are using the terrorist label to seek harsh punishment for Ms. Odeh, to curry favor with their American Zionist constituents and obfuscate 67 years of Israeli terrorism.

To make an example of Ms. Odeh by sending her to prison, followed by banishing her from her community and adopted country, under the speculative theory that this will deter others from covering up their criminal history to obtain U.S. citizenship, is unfair and illogical. No “terrorist”, or anyone else with a criminal background who wants to come to the U.S., will be affected in anyway by what happens to Ms. Odeh. That is elementary.

It makes no sense to expend resources to keep Ms. Odeh in prison in the United States when she poses no threat to anyone, and will only delay her removal from the country which has been the purported goal of the prosecution from the beginning.

3. Factors (C) and (D) are Not Applicable to the Defendant.

The government does not claim that Ms. Odeh poses any danger to the public, nor could they, in light of her record since her release from an Israeli prison in 1979; and this Court readily so found in considering the Motion to Revoke Bail at the end of the trial. In addition, the defendant who has Master's degree is not in need of education or vocational training, medical care or other correctional treatment the Bureau of Prisons can provide. Ms. Odeh does have a serious ongoing dental problem which requires a 6 month course of treatment involving fabrication and installation of implants (see Dentist's Letter, Exhibit G), which also militates against further incarceration.

CONCLUSION

Ms. Odeh is asking this Court to sentence her as she is today, 20 years after she came to America to help her family, and in light of the last ten years in which she has built a life of devoted service to her community. She has accomplished so much while contending with a debilitating disorder resulting from the dispossession, imprisonment and torture she suffered in Israel, and now faces yet another disastrous, upheaval and destruction of her life in America. This is certainly more than enough of the price that should be exacted, from a woman who in her dedicated work has more than redeemed any real transgression involved in coming to America as an immigrant and becoming a naturalized citizen.

WHEREFORE, the defendant respectfully asks the Court to find, on the basis of the record before it, that no term of imprisonment is appropriate under the sentencing factors and in the interests of justice. In the alternative, if some prison term is deemed essential, the defendant asks that it be limited to the time she has already served after being jailed at the end of the trial.

The defendant further prays that any additional sentence consist of a term of probation or other supervision by the Court, premised on her continuing her community service activities, which will now include preparing for her looming absence.

In the event the Court sees fit to impose further prison time, the defendant requests that the sentence be stayed, and that her bond be allowed to stand, pending appeal, and counsel will submit a separate pleading with this request if that becomes an issue. Defendant prays also for such other and further relief as may be just and appropriate.

Dated: February 25, 2014

/s/ Michael E. Deutsch

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CERTIFICATE OF SERVICE

Michael E. Deutsch, hereby certifies that he has filed the above Memorandum to the parties of record through the ECF system on February 25, 2015.

/s/ Michael E. Deutsch

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